

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA

v.

HOMAR LOPEZ

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NO. 5:24-cr-00070-OLG-5

DEFENDANT'S MOTION FOR CONTINUANCE

TO THE HONORABLE JUDGE OF SAID COURT: Defendant in this cause, by and through counsel, moves the Court to continue the above cause upon the following grounds:

1. This cause is presently set for plea deadline and jury trial setting hearing on April 18, 2024, and April 29, 2024 respectively.

2. Counsel has not completed reviewing discovery, including hours of Title III intercepts. Counsel is unable to review discovery by the April 18, 2024, plea deadline. Because of such, he is not able to render competent advice regarding a plea. Counsel does not believe it will be completed before the 29th day of April 2024. The reason counsel is unable to review the discovery completely is he is preparing for trial on two cases set at same time as this case.

3. Counsel for defendant is set for jury selection in 7:20-CR-00886-1 *United States of America v. Pedro Alvarez, Jr.*, in the Southern District of Texas, McAllen Division on April 29, 2024. Additionally, counsel is set for jury selection in 7:23-CR-1668-3 *United States of America v. Rosendo Isaac Pena* in the Southern District of Texas, McAllen Division on May 3, 2024.

4. Counsel for defendant conferred with Assistant United States Attorney David Nowinski, and he is unopposed to this Motion for Continuance.

5. This motion for continuance filed by the Defendant is not made for purposes of delay, but so that justice may be done.

WHEREFORE, PREMISES CONSIDERED, the Defendant prays that the above cause be continued until the June docket call for a new scheduling order.

Respectfully submitted,

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By: /s/ Michael J. Garza
Michael J. Garza
State Bar No. 00788769
Federal Bar No. 17444

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of April 2024, a copy of the foregoing motion, on behalf of the defendant, HOMAR LOPEZ, was served upon Brian Nowinski, Assistant United States Attorney, Western District of Texas, and all parties by electronic filing.

/s/ Michael J. Garza
Michael J. Garza

CERTIFICATE OF CONFERENCE

I hereby certify that I conferred with Brian Nowinski, Assistant United States Attorney, Western District of Texas, and he is unopposed to defendant, HOMAR LOPEZ's Motion to Continue.

/s/ Michael J. Garza
Michael J. Garza